

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEANE R. HARVEY,	:	CIVIL ACTION NO. 1:15-CV-1785
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JOHN W. KERESTES,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 14th day of August, 2017, upon consideration of the report (Doc. 9) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court dismiss the petition (Doc. 1) for writ of habeas corpus filed by petitioner Deane R. Harvey (“Harvey”), wherein Judge Saporito opines that Harvey’s instant petition is untimely and is not subject to statutory or equitable tolling, (see Doc. 9 at 4-7), and it appearing that no party has objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b) advisory committee notes, and, following

an independent review of the record, the court being in agreement with Judge Saporito's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 9) of Magistrate Judge Saporito is ADOPTED.
2. Harvey's petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED with prejudice.
3. The court finds no basis to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); R. GOVERNING SECTION 2254 CASES R. 11(a).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania